

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1–19, 21, and 23–52 will be pending. By this amendment, claims 1, 21, 23, 29, 47–48 and 50–52 have been amended. Claims 20 and 22 have been canceled. No new matter has been added.

§102 Rejection of Claims 1–12, 15–19, 21, 23–25, 28–45 and 47–52

In Section 3 of the Office Action of May 23, 2006 (“the Office Action”), claims 1–12, 15–19, 21, 23–25, 28–45, and 47–52 stand rejected under 35 U.S.C. §102(b) as being anticipated by Fenton *et al.* (U.S. Patent Application No. US 2002/194195; hereinafter referred to as “Fenton”).

In the Background section of the Specification, it was stated that “[t]he emergence of a growing number of media players has created a widening gap between the richness of the various types of media content and the diverse capabilities of the client devices to handle the content. As a result, the technology selection process for the end user has become quite complicated. For example, the user often cannot be certain that a given media player will be able to play the type of media content in which he or she is interested. Also, the user may be required to frequently download new media playing software in order to access desired content.” *Background of the Specification, page 2, lines 8–14.*

To address the above-stated problem, embodiments of the present invention provide systems, methods, and programs for accessing and utilizing media publishing. In particular, because settings of the templates are configured so that templates in the same category have the same number and genres of media slots, the template can be replaced with another template in the same category

without reselecting media items. For example, the structure of system claim 1, amended in accordance with suggestion and agreement with the Examiner per telephone interview, includes:

a network interface to connect the media publishing system to a user;

a plurality of web services to enable the user to build, publish, and access a media project using templates of media items, the templates grouped into categories; and

a data storage to provide a file system to said plurality of web services, where the file system allows the user to access media items;

wherein the templates include settable features, the settable features controlling an aspect of presenting the media project, and

wherein the settable features for templates in a same category are configured to match, allowing templates in the same category to be switched without changing the settable features.

(emphasis added)

Accordingly, in one aspect of claim 1, the template of media items includes settable features, the settable features controlling an aspect of presenting the media project, where the settable features for templates in a same category are configured to match, allowing templates in the same category to be switched without changing the settable features. “Because templates in the same category have the same number and genres of media slots, the template can be replaced with another template in the same category without reselecting media items.” *Specification, page 11, lines 7-9.* “In another implementation, a template also includes settable features. A settable feature controls an aspect of the presentation of a project such as background color or font characteristics. A settable feature does not have an assigned media item. As discussed above, media items are assigned to media slots. In one implementation, the settings for settable features are reflected in HTML code for the project built according to the template. The settable features in templates in the same category also match to facilitate seamless transition between templates.” *Specification, page 12, lines 16-22.* (emphasis

added) That is, for example, when features of a first selected template are modified and the user selects instead a second template from the same category as the first template, the feature modifications apply to the second template without user action. Thus, the user experiences a “seamless transition between templates” belonging to the same category by not having to apply feature modifications at the selection of each template.

By contrast, Fenton states in paragraphs [0124] and [0125] that a “[p]ulldown box 1612 may allow the user to choose from a list of video or audio files stored on their stash. The chosen video or audio clip may then be featured on their user showcase page as a user-selectable video or audio clip. In one embodiment, only those video or audio files in the user's stash that are in a valid video or audio format for the showcase page will be displayed to the user. Pulldown box 1614 may allow the user to choose a pre-defined template for their user showcase page. The template will define the format of the showcase page (i.e., where page elements are located on the page). Pulldown box 1616 may allow the user to choose a background color palette for the user showcase page. ... A template preview window 1620 may be provided to allow the user to preview the template styles. Thumbnail examples of showcase page templates may be shown to the user. In one embodiment, this template preview page has no functionality (i.e., the image is static). In one embodiment, if the user does not select a template or background color palette, a pre-defined default template and color palette may be used.” It appears Fenton, in these paragraphs, merely discloses a pre-defined template for which a user can specify a background color. Thus, Fenton fails to teach or suggest providing a template of media items including settable features, which controls an aspect of presenting the media project, where settable features included in templates that are in the same category are configured to match, allowing templates in the same category to be switched without changing the settable features. Therefore, Fenton apparently fails to teach or suggest all the limitations of claim 1 as amended.

Based on the foregoing discussion, claim 1 should be allowable over Fenton. Further, since independent claims 23, 29, 47–48 and 50–52 have also been amended to parallel, and to recite substantially similar limitations as recited in, claim 1, claims 23, 29, 47–48 and 50–52 should also be allowable over Fenton. Since claims 2–12, 15–19, 21, 24–25, 28, 30–45 and 49 depend from one of claims 1, 23, 29, and 48, claims 2–12, 15–19, 21, 24–25, 28, 30–45 and 49 should also be allowable over Fenton. Claims 20 and 22 have been canceled.

Accordingly, it is submitted that the rejection of claims 1–12, 15–25, 28–45, and 47–52 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claims 13–14, 26–27 and 46

In Section 5 of the Office Action, the Examiner has rejected claims 13–14, 26–27 and 46 under 35 U.S.C. §103(a) as being unpatentable over Fenton in view of Masuoka *et al.* (U.S. Patent Application No. US 2004/0230636; hereinafter referred to as “Masuoka”).

Based on the foregoing discussion regarding claims 1, 23, and 29, and since claims 13–14, 26–27 and 46 depend from one of claims 1, 23, and 29, claims 13–14, 26–27 and 46 should also be allowable over Fenton. Further, Masuoka was cited merely for teaching “task computing in which he teaches a web folder configured as a folder on the web browser. Therefore, Fenton and Masuoka, individually or in combination, fail to teach or suggest all the limitations of claims 13–14, 26–27, and 46.

Accordingly, it is submitted that the rejection of claims 13–14, 26–27 and 46 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment and the allowance of this application with claims 1-19, 21, and 23-52 are respectfully solicited.


In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-2075.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch LLP

Dated: Sept. 19, 2006

By: 
Samuel S. Lee
Reg. No. 42,791

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900